IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

Crl.Rev.Pet.No. 1147 of 2000()

CRA.349/1998 of ADDL.SESSIONS COURT, KOZHIKODE
CC.315/1996 of JUDL. MAGISTRATE OF FIRST CLASS, KUNNAMANGALAM .

.....

REVN. PETITIONER: APPELLANT. ACCUSED

JANAKI, W/O.RARICHAN, THEKKEDATHU (KODOTH), MEETHAL, PADINJATTUMURI AMSOM KIZHAKKEMMURI DESOM, KOZHIKODE TALUK.

BY ADV. SRI.JACOB ABRAHAM
SMT.KOCHUMOL KODUVATH

RESPONDENT: RESPONDENT/ COMPLAINANT

STATE OF KERALA, REP.BY EXCISE INSPECTOR, CHELANNUR EXCISE RANGE, KOZHIKODE DIST.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 24/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO.1147 OF 2000

DATED THIS THE 24TH July 2007

ORDER

The revision petitioner is the accused in C.C.No.315/1996 in the file of the Judicial Magistrate of First Class, Kunnamangalam with respect to the offences under Section 58 of the Abkari Act on the allegation that on 25-8-1995 at 11.30 a.m. the accused was found carrying one litre of illicit arrack. The accused stands convicted and sentenced to undergo simple imprisonment for one month and to pay a fine of Rs.15,000/- and in default to undergo simple imprisonment for one month.

2. Counsel for the revision petitioner has only pleaded for modification of sentence pointing out that more than 12 years have been elapsed since the commencement of the proceedings and that the accused is a lady. The quantum involved is only one litre. I find that the J.F.C.M., then was only empowered to impose a punishment of fine upto Rs.5000/-.

In the circumstances,the sentence is modified to imprisonment till the rising of the court and to pay a fine of

Rs.5,000/-(Rupees five thousand only) and in default to undergo simple imprisonment for two weeks. The revision petitioner/accused is granted three months time to pay the amount of fine. She shall appear before the Judicial Magistrate of First Class, Kunnamangalam on 30-10-2007 to receive sentence. The Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.R.P.NO. 1147 OF 2000

ORDER

24-7-2007